

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOBITA WILLETTA AVERY,

Defendant.

4:09CR3091

MEMORANDUM AND ORDER

Pending before me is a request that I reduce the defendant's sentence under the *First Step Act*. After careful consideration, including a review of the *Act*, the presentence report, the briefs, the revised 2019 worksheet from the probation office, filing no. 410, and the statutory goals of sentencing, I will deny the pending motion in the exercise of my discretion, although the defendant is eligible for a reduction.

I am informed by the probation officer that the defendant will shortly be released from custody¹ and begin to serve her five-year term of supervised release. I could reduce that term at this time, but I think it is unwise to do so. However, as I have done in the past, I am not averse to terminating supervised release early in appropriate cases once the defendant has proven that she has complied with supervised release conditions and is no longer in need of supervision. But that time has not yet come.

IT IS ORDERED that the motion to revise the sentencing worksheet, Filing no. 405, is denied as moot since the worksheet was revised at Filing no. 410. The

¹ A supervisory probation officer has informed me that her release date is February 26, 2020. In Filing no. 407 at CM/ECF p. 10, her counsel advises me that she was placed at a residential reentry center on July 19, 2019.

motion to reduce sentence under the *First Step Act*, filing no. 406, is denied in the exercise of my discretion.

Dated this 20th day of February, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge